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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,684

10/17/2003

James H. Murray

65,217-003

2683

27305

7590

06/22/2010

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EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

06/22/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,684	<b>Applicant(s)</b> MURRAY ET AL.	
	<b>Examiner</b> NICHOLAS AUGUSTINE	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

- A. This action is in response to the following communications: BPAI Decision filed 03/19/2010.
- B. Claims 1-39 remains pending.

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In view of newly discovered prior art, PROSECUTION IS HEREBY REOPENED. If applicant wishes to reinstate an appeal after prosecution is reopened, applicant must file a new notice of appeal in compliance with 37 CFR 41.31 and a new appeal brief in compliance with 37 CFR 41.37.

**A Technology Center Director or designee has personally approved the REOPENING OF PROSECUTION set forth above by signing below:**

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### ***Claim Rejections - 35 USC § 102/103***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2b. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**3. Claims 1-12 and 15-39 are rejected under 35 U.S.C. 102(e) as anticipated by Bove, Michael V. (US Pat. 7,249,367) alone, herein referred to as "Bove" or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bove in view of Kaiser, David H. (US Pat. 6,615,408), herein referred to as "Kaiser".**

**As for claim 1**, Bove teaches a method of retrieving information associated with an object present in a media stream (col.3,lines 33-39) , said method comprising the steps of: defining a user-selectable region in a layer (col.3,lines 40-47) separate (mask; which is an overlay on the frame) from the media stream (col.3, lines 53-60) and without accessing individual frames of the media stream (col.3,lines 40-45; system automatically determines (tracks) where the shirt is within sequent frames thus not

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having the author to access individual frames to define where the shirt is within any given frame), the user-selectable region tracking a position of the object present in the media stream (col.3, lines 40-45); defining a link to the information associated with the object (col.3,lines 45-67); linking the user-selectable region in the layer to the link for the information associated with the object (col.3,lines 65-67); positioning the user-selectable region in the layer over the object such that the user-selectable region tracks the position of the object during playback of the media stream (col.4, lines 17-28 and 39-43); disposing the layer adjacent the media stream without interfering with playback of the media stream (col.5,lines 5-24); playing the media stream in a player (col.5,lines 25-46); selecting the user-selectable region from within the layer during playback of the media stream (col.3, lines 53-67); and accessing the information associated with the object in response to selecting the user-selectable region from within the layer (col.3,lines 60-67) .

**Even if it is not true** that the teachings in column 17 of Bove do not imply defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the user selectable region tracking a position of the object present in the media stream; disposing the layer adjacent the media stream without interfering with the playback of the media stream; then it is found in an alternative that **Kaiser teaches** *defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the user selectable region tracking a position of the object present in the media stream;*

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*disposing the layer adjacent the media stream without interfering with the playback of the media stream* (col.10,lines 9-50; wherein the system automatically places overlay image over media that allows or user selection of objects that corresponds to media images).

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to combine Kaiser into Bove, this is true because Kaiser is concerned with providing a system to a user interactive objects within a media stream by playing regions corresponding to objects (images, such as a depiction of a car) within the media such that the user is able to select the object (car) to acquire information (linked information(e.g. hyperlink)) about the interested object in media (col.3,lines 6-56; col.2, lines 23-31). Bove is also concerned with providing a system for a user to interact with objects presented within a media stream thus allowing the user to acquire additional information (linked information) about an image presented within the media (playback video; broadcasting) (col.1,line 47 – col.2, lines 23). Thus both Bove and Kaiser are concerned with a system and method exist that allows interactive product behavior to be provided to an image referencing a product in a video production, that provides users with the flexibility to select contextually appropriate segments of a video production for interactive behavior. As suggested by Bove (col.27, lines 49-54) one of ordinary skill in the art would be able to recognize the variant options of Kaiser in order to be used within the system of Bove to solve a similar problem without departing from the spirit and scope of Bove.

As for claim 2, Bove teaches a method as set forth in claim 1 wherein the step of defining the user-selectable region is further defined as the step of defining positional data for the object based upon a position and size of the object present in the media stream (col.3,lines 44-45; col.10,lines 52-67; col.11,lines 1-20).

As for claim 3, Bove teaches a method as set forth in claim 1 further including the step of re-defining the user-selectable region within the layer in response to the object changing within the media stream (col.22, lines 55-67; figures 10A-B).

As for claim 4, Bove teaches a method as set forth in claim 1 wherein the step of defining the user-selectable region further includes the step of defining a plurality of user-selectable regions for the object in response to the object being present in a plurality of positions in the media stream (col.11, lines 2-20; shirt, shorts, hat).

As for claim 5, Bove teaches a method as set forth in claim 1 wherein the step of positioning the user-selectable region is further defined as synchronizing the user-selectable region within the layer to a position of the object in the media stream without accessing individual frames of the media stream (col.3, lines 40-60).

As for claim 6, Bove teaches a method as set forth in claim 1 further including the step of displaying an icon within the layer representing the user-selectable region present

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in the layer capable of being selected (col.16,lines 62-67; col.17,lines 1-4 (icon)).

As for claim 7, Bove teaches a method as set forth in claim 1 further including the step of monitoring an identifying characteristic for the object in the media stream (col.11,lines 2-15; outline and UID's).

As for claim 8, Bove teaches a method as set forth in claim 7 wherein the step of monitoring the identifying characteristic is further defined as monitoring the media stream for a predetermined color palette (col.10, lines 55-62).

As for claim 9, Bove teaches a method as set forth in claim 7 wherein the step of monitoring the identifying characteristic is further defined as monitoring the media stream for a predetermined symbol (col.10, lines 63-64).

As for claim 10, Bove teaches a method as set forth in claim 7 further including the step of detecting a change in the identifying characteristic and re-defining the user-selectable region within the layer in response to detecting the change of the identifying characteristic (col.17, lines 14-28; user cycles through layers of objects).

As for claim 11, Bove teaches a method as set forth in claim 10 wherein the step of detecting the change in the identifying characteristic is further defined as automatically



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detecting the change in the identifying characteristic for the object during playback of the media stream (col.15, lines 45-59; col.16, lines 21-37; col.21, lines 48-67; col.22, lines 1-6; tracking objects through video stream by the motion of pixels through sequent frames).

As for claim 12, Bove teaches a method as set forth in claim 11 wherein the step of re-defining the user-selectable region is further defined as automatically re-defining the user-selectable region within the layer in response to automatically detecting the change in the identifying characteristic for the object (col.15, lines 45-59; col.16, lines 21-37; col.21, lines 48-67; col.22, lines 1-6; tracking objects through video stream by the motion of pixels through sequent frames).

As for claim 15, Bove teaches a method as set forth in claim 1 further including the step of continuing playback of the media stream in response to selecting the user-selectable region from within the layer (col.17, lines 5-28).

As for claim 16, Bove teaches a method as set forth in claim 15 further including the step of displaying the object information in at least one of the layer and a window separate from the layer while the playback of the media stream continues in the player (col.17, lines 29-49).

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As for claim 17, Bove teaches a method as set forth in claim 1 further including the step of establishing two-way Communications between a user interacting with the layer and a provider transmitting a video signal having the media stream and the layer (col.8,lines 49-67).

As for claim 18, Bove teaches a method as set forth in claim 17 further including the step of collecting user data related to selection of links made during playback of the media stream present therein (col.8, lines 30-67).

As for claim 19, Bove teaches a method as set forth in claim 18 further including the step of transmitting the user data to the provider to track the links selected from within the layer (col.8, lines 30-48).

**As for claim 20**, Bove teaches a method of providing a video signal from a provider to a user (col.4, lines 1-4, said method comprising the steps of: transmitting a first component of the video signal having a media stream therein (col.4,lines 1-16); transmitting a second component of the video signal having a layer with user-selectable regions tracking a position of objects present in the media stream and linked to information associated with the object (col.4,lines 17-28; mask ) ; receiving the video signal with a player (col.5,lines 25-46); disposing the layer adjacent the media stream without interfering with playback of the media stream (col.4,lines 50-61; col.5, lines 5-24); playing the media stream in the player (col.5,lines 25-46); synchronizing the

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user-selectable region within the layer to a position of the object in the media stream without accessing individual frames of the media stream (col.3, lines 40-47; col.3,lines 53-60); and enabling the user-selectable region to allow the user to select the user-selectable regions and access the information associated with the object (col.3,lines 53-67).

**Even if it is not true** that the teachings in column 17 of Bove do not imply defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the user selectable region tracking a position of the object present in the media stream; disposing the layer adjacent the media stream without interfering with the playback of the media stream; then it is found in an alternative that **Kaiser teaches** *defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the user selectable region tracking a position of the object present in the media stream; disposing the layer adjacent the media stream without interfering with the playback of the media stream* (col.10,lines 9-50; wherein the system automatically places overlay image over media that allows or user selection of objects that corresponds to media images).

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to combine Kaiser into Bove, this is true because Kaiser is concerned with providing a system to a user interactive objects within a media stream by playing regions corresponding to objects (images, such as a depiction of a car) within the media

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such that the user is able to select the object (car) to acquire information (linked information(e.g. hyperlink)) about the interested object in media (col.3,lines 6-56; col.2, lines 23-31). Bove is also concerned with providing a system for a user to interact with objects presented within a media stream thus allowing the user to acquire additional information (linked information) about an image presented within the media (playback video; broadcasting) (col.1,line 47 – col.2, lines 23). Thus both Bove and Kaiser are concerned with a system and method exist that allows interactive product behavior to be provided to an image referencing a product in a video production, that provides users with the flexibility to select contextually appropriate segments of a video production for interactive behavior. As suggested by Bove (col.27, lines 49-54) one of ordinary skill in the art would be able to recognize the variant options of Kaiser in order to be used within the system of Bove to solve a similar problem without departing from the spirit and scope of Bove.

As for claim 21, Bove teaches a method as set forth in claim 20 further including the step of establishing two-way Communications between the user interacting with the layer and the provider transmitting the video signal (col.8,lines 30-48).

As for claim 22, Bove teaches a method as set forth in claim 21 further including the step of collecting user data related to selection of links made during playback of the media stream (col.8,lines 30-67).

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As for claim 23, Bove teaches a method as set forth in claim 22 further including the step of transmitting the user data to the provider to track the links selected from within the layer (col.8, lines 30-67; user buys item represented by object).

**As for claim 24**, Bove teaches a device for storing information associated with an object present in a media stream (col.4,lines 1-16), said device comprising: a media stream with an object therein (col.4,lines 13-28; information associated with said object (col.3,lines 53-67); a layer for disposition adjacent said media stream during playback (col.5,lines 5-24)and having a user-selectable region tracking a position of said object in said media stream to synchronize said user-selectable region within said layer to the position of the object in the media stream without accessing individual frames of the media stream during playback (col.3,lines 40-47 and col.3,lines 53-60); and a link between said user-selectable region and said information associated with said object for accessing said information associated with said object in response to said user-selectable region being selected (col.3,lines 65-67).

**Even if it is not true** that the teachings in column 17 of Bove do not imply defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the user selectable region tracking a position of the object present in the media stream; disposing the layer adjacent the media stream without interfering with the playback of the media stream; then it is found in an alternative that **Kaiser teaches** *defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the*

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*user selectable region tracking a position of the object present in the media stream; disposing the layer adjacent the media stream without interfering with the playback of the media stream (col.10,lines 9-50; wherein the system automatically places overlay image over media that allows or user selection of objects that corresponds to media images).*

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to combine Kaiser into Bove, this is true because Kaiser is concerned with providing a system to a user interactive objects within a media stream by playing regions corresponding to objects (images, such as a depiction of a car) within the media such that the user is able to select the object (car) to acquire information (linked information(e.g. hyperlink)) about the interested object in media (col.3,lines 6-56; col.2, lines 23-31). Bove is also concerned with providing a system for a user to interact with objects presented within a media stream thus allowing the user to acquire additional information (linked information) about an image presented within the media (playback video; broadcasting) (col.1,line 47 – col.2, lines 23). Thus both Bove and Kaiser are concerned with a system and method exist that allows interactive product behavior to be provided to an image referencing a product in a video production, that provides users with the flexibility to select contextually appropriate segments of a video production for interactive behavior. As suggested by Bove (col.27, lines 49-54) one of ordinary skill in the art would be able to recognize the variant options of Kaiser in order to be used

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within the system of Bove to solve a similar problem without departing from the spirit and scope of Bove.

As for claim 25, Bove teaches a device as set forth in claim 24 further including positional information defined for said user-selectable region based upon a position and size of said object present in said media stream (col.3,lines 44-45; col.10,lines 52-67; col.11,lines 1-20).

As for claim 26, Bove teaches a device as set forth in claim 25 further including a plurality of user-selectable regions in said layer corresponding to a plurality of objects (col.11,lines 2-20; hat, shirt, shorts).

As for claim 27, Bove teaches a device as set forth in claim 24 further including an icon disposed in said layer in response to said user-selectable region being present in said layer (col.16, lines 62-67; col.17, lines 1-4 (icon)).

As for claim 28, Bove teaches a device as set forth in claim 24 further including a detector for monitoring and detecting an identifying characteristic for the object with said layer (col.15,lines 45-59; col.16,lines 21-37; col.21, lines 48-67; col.22, lines 1-6; tracking objects through video stream by the motion of pixels through sequent frames).

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As for claim 29, Bove teaches a device as set forth in claim 28 wherein said detector is further defined as detecting a color palette (col.10, lines 55-62).

As for claim 30, Bove teaches a device as set forth in claim 28 wherein said detector is further defined as detecting a predetermined symbol (col.10, lines 63-64).

As for claim 31, Bove teaches a device as set forth in claim 24 further including a window for displaying information associated with the object (col.17, lines 29-49). Even if it is not true that the teachings in col.17,lines 29-49 of Bove do not imply a window for displaying information associated with the object; then it is found in an alternative that Kaiser teaches in figure 6c-d and col.10,lines 51-67 and col.11,lines 1-15.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kaiser into Bove, this is true because Kaiser is concerned with providing a system to a user interactive objects within a media stream by playing regions corresponding to objects (images, such as a depiction of a car) within the media such that the user is able to select the object (car) to acquire information (linked information(e.g. hyperlink)) about the interested object in media (col.3,lines 6-56; col.2, lines 23-31). Bove is also concerned with providing a system for a user to interact with objects presented within a media stream thus allowing the user to acquire additional information (linked information) about an image presented within the media (playback video; broadcasting) (col.1,line 47 – col.2, lines 23). Thus both Bove and Kaiser are concerned with a system and method exist that allows interactive product behavior to be



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provided to an image referencing a product in a video production, that provides users with the flexibility to select contextually appropriate segments of a video production for interactive behavior. As suggested by Bove (col.27, lines 49-54) one of ordinary skill in the art would be able to recognize the variant options of Kaiser in order to be used within the system of Bove to solve a similar problem without departing from the spirit and scope of Bove.

As for claim 32, Bove teaches a device as set forth in claim 31 wherein said window is further defined as being displayed in said layer (col.17, lines 29-49). Even if it is not true that the teachings in col.17,lines 29-49 of Bove do not imply said window is further defined as being displayed in said layer; then it is found in an alternative that Kaiser teaches in figure 6c-d and col.10,lines 51-67 and col.11,lines 1-15 (note the analysis of claim 31 above).

As for claim 33, Bove teaches a device as set forth in claim 31 wherein said window is further defined as being displayed in said media stream (col.17, lines 29-49). Even if it is not true that the teachings in col.17,lines 29-49 of Bove do not imply said window is further defined as being displayed in said media stream; then it is found in an alternative that Kaiser teaches in figure 6c-d and col.10,lines 51-67 and col.11,lines 1-15 (note the analysis of claim 31 above).

As for claim 34, Bove teaches a device as set forth in claim 31 wherein said window is further defined as a window separate from said layer and said media stream (col.17,lines 29-49). Even if it is not true that the teachings in col.17, lines 29-49 of Bove do not imply said window is further defined as a window separate from said layer and said media stream; then it is found in an alternative that Kaiser teaches in figure 6c-d and col.10, lines 51-67 and col.11, lines 1-15 (note the analysis of claim 31 above).

**As for claim 35**, Bove teaches a system capable of storing and retrieving information associated with an object present in a media stream provided with a video signal from a provider (col.4,lines 1-16), said system comprising: an editor (22) defining a user-selectable region tracking a position of the object (col.4,line 5; author tool) in the media stream without accessing individual frames of the media stream and defining a link between said user-selectable region and information associated with said object (col.3, lines 40-47; col.3,lines 53-60); a player device for playing the media stream with the object therein (col.5,lines 24-46); and a layer disposed adjacent the media stream during playback (col.5, lines 5-24) and presenting the user-selectable region for selection by the user to access the information such that said user-selectable region is synchronized within said layer to the position of the object in the media stream without accessing individual frames of the media stream (col.3,lines 40-47 and 53-67; col.4, lines 17-28; col.5,lines 5-25).

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**Even if it is not true** that the teachings in column 17 of Bove do not imply defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the user selectable region tracking a position of the object present in the media stream; disposing the layer adjacent the media stream without interfering with the playback of the media stream; then it is found in an alternative that **Kaiser teaches** *defining a user-selectable region in a layer separate from the media stream and without accessing individual frames of the media stream, the user selectable region tracking a position of the object present in the media stream; disposing the layer adjacent the media stream without interfering with the playback of the media stream* (col.10,lines 9-50; wherein the system automatically places overlay image over media that allows or user selection of objects that corresponds to media images).

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to combine Kaiser into Bove, this is true because Kaiser is concerned with providing a system to a user interactive objects within a media stream by playing regions corresponding to objects (images, such as a depiction of a car) within the media such that the user is able to select the object (car) to acquire information (linked information(e.g. hyperlink)) about the interested object in media (col.3,lines 6-56; col.2, lines 23-31). Bove is also concerned with providing a system for a user to interact with objects presented within a media stream thus allowing the user to acquire additional information (linked information) about an image presented within the media (playback

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video; broadcasting) (col.1,line 47 – col.2, lines 23). Thus both Bove and Kaiser are concerned with a system and method exist that allows interactive product behavior to be provided to an image referencing a product in a video production, that provides users with the flexibility to select contextually appropriate segments of a video production for interactive behavior. As suggested by Bove (col.27, lines 49-54) one of ordinary skill in the art would be able to recognize the variant options of Kaiser in order to be used within the system of Bove to solve a similar problem without departing from the spirit and scope of Bove.

As for claim 36, Bove teaches a system as set forth in claim 35 wherein the layer is further defined as being transmitted as a component of the video signal (col.4, lines 17-38).

As for claim 37, Bove teaches a system as set forth in claim 35 wherein the layer disposed adjacent the media stream is further defined as being disposed adjacent the media stream without interfering with playback of the media stream (col.5,lines 5-24).

As for claim 38, Bove teaches a system as set forth in claim 35 further including a plurality of user-selectable regions in said layer corresponding to a plurality of objects (col.11, lines –20).

As for claim 39, Bove teaches a system as set forth in claim 35 further including an icon disposed in said layer in response to said user-selectable region being present in said

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layer (col.16, lines 62-67; col.17, lines 1-4).

**4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bove or in an alternative Bove as modified by Kaiser in view of Wistendahl, Douglass A. et al. (US Pat. 6,496, 981), herein referred to as “Wistendahl”.**

As for claim 13, Bove teaches a method as set forth in claim 1. Bove nor Kaiser do not specifically teach the step of stopping playback of the media stream in response to selecting the user-selectable region from within the layer. However in the same field of endeavor Wistendahl teaches the step of stopping playback of the media stream in response to selecting the user-selectable region from within the layer (col.9, lines 45-55; col.17, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wistendahl into Bove and/or Kaiser, this is true because Wistendahl is concerned providing an authoring system for developing interactive media programs from existing media content using automated tools which can reduce the development time; object mapping data specifying display locations of objects appearing in the image display frames of the media content which are to be rendered interactive (col.2, lines 36-54). Bove is also concerned with providing an authoring tool for specifying objects within media to be rendering interactive to a user (col.1, line 47 – col.2, lines 23) As suggested

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by Bove (col.27, lines 49-54) one of ordinary skill in the art would be able to recognize the variant options of Wistendahl in order to be used within the system of Bove (as may be modified by Kaiser) to solve a similar problem without departing from the spirit and scope of Bove.

As for claim 14, Bove teaches a method as set forth in claim 13 further including the step of displaying the object information in at least one of the layer, the player, and a window separate from the layer and the player (col.17, lines 29-49). Even if it is not true that the teachings in column 17 of Bove do not imply these limitations then it is found in an alternative that Kaiser teaches including the step of displaying the object information in at least one of the layer, the player, and a window separate from the layer and the player (fig. 6c-d; col.10, lines 51-67).

Bove and/or Kaiser do not specifically teach while the playback of the media stream is stopped. However in the same field of endeavor Wistendahl teaches while the playback of the media stream is stopped (col.9, lines 45-55; col.17, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wistendahl into Bove and/or Kaiser, this is true because Wistendahl is concerned providing an authoring system for developing interactive media programs from existing media content using automated tools which can reduce the development time; object mapping data specifying display locations of objects appearing in the image display frames of the media content which are to be rendered interactive (col.2, lines 36-54). Bove is also concerned with providing an authoring tool for specifying objects within

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media to be rendering interactive to a user (col.1, line 47 – col.2, lines 23) As suggested by Bove (col.27, lines 49-54) one of ordinary skill in the art would be able to recognize the variant options of Wistendahl in order to be used within the system of Bove (as may be modified by Kaiser) to solve a similar problem without departing from the spirit and scope of Bove.

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**(Note :)** It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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